


8/28/08

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
June 27, 2008**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on June 27, 2008.


Laurel G. Gardner, Vice Chair
Environmental Management Commission

Certified this 22nd day of August 2008.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
June 27, 2008

Convened: 11:00 a.m.
Adjourned: 11:20 a.m.

Part A

Transcript

Part B

Attachment Index

Attachment 1

Attachment 2

Attachment 3

Attachment 4

Part A

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
MEETING

Alabama Department of Environmental Management
Building

Alabama Room (Main Hearing Room)

1400 Coliseum Boulevard

Montgomery, Alabama

June 27, 2008

11:00 a.m.

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1 **COMMISSION MEMBERS PRESENT:**

2 DR. LAUREL G. GARDNER, VICE-CHAIR

3 SAM H. WAINWRIGHT, P.E.

4 ANITA L. ARCHIE

5 DR. JOHN H. LESTER

6 KENNETH A. HAIRSTON, ESQUIRE

7

8 **COMMISSION MEMBERS NOT PRESENT:**

9 W. SCOTT PHILLIPS, CHAIR

10 DR. KATHLEEN J. FELKER

11

12 **ALSO PRESENT**

13 ONIS "TREY" GLENN, III, ADEM DIRECTOR

14 ROBERT TAMBLING, EMC LEGAL COUNSEL

15 DEBI THOMAS, EMC EXECUTIVE ASSISTANT

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1 MS. GARDNER: The first item
2 is consideration of the minutes of the
3 meeting held on April 18th, 2008. Is
4 there a motion to adopt those minutes?

5 MS. ARCHIE: So move.

6 DR. LESTER: So move.

7 MS. GARDNER: Is there a
8 second?

9 MS. ARCHIE: Second.

10 MS. GARDNER: All in favor?

11 ALL: Aye.

12 MS. GARDNER: All opposed?

13 All right. The motion carries.

14 Agenda Item 2 is the report
15 from the Director. Mr. Glenn, thank
16 you.

17 MR. GLENN: Thank you very
18 much. Thank y'all for allowing me to
19 address you this morning. And I'd like
20 to start by touching on the
21 administrative issues that we do every
22 meeting. You should have received the
23 memo from me outlining potential

1 rulemaking that we'll -- that we may
2 initiate between now and the next
3 Commission meeting or in the near future.
4 In addition to that, you should have
5 received a memo outlining the
6 recently-executed contracts and
7 agreements that we've entered into.

8 Regarding our budget, once
9 again, we are on track at this point in
10 time in the fiscal year with our
11 expenditures and our revenues as we'd
12 projected them earlier. Our plans, our
13 budgetary plans, that we've discussed
14 continue to be effective this fiscal
15 year, and I feel that our current-year
16 budget is in good shape and we will end
17 the year as we anticipated.

18 As I previously communicated
19 to you, the passage of the FY 2009
20 General Fund Budget brought with it cuts,
21 not just to ADEM, but to all agencies,
22 and so we did experience cuts in our
23 general funds from this year,

1 approximately a million dollars is the
2 number there.

3 As we have been, though,
4 discussing for several years now, we have
5 been positioning ourselves for situations
6 just like this. I'm very confident that
7 the initiatives that have been or are
8 being implemented will allow us to
9 effectively deal with this and continue
10 to perform our functions as we need to
11 here at ADEM.

12 If there aren't any
13 questions on that, I'll move on to update
14 a few items. The first is the Water
15 Program. We've been talking about that
16 for a while now. And all of the staffing
17 considerations and official -- the actual
18 reorganization has been made, and our
19 attention is now focused on evaluating
20 and enhancing the way in which our
21 business is truly performed.

22 This includes all aspects of
23 our operations, from the traditionally

1 thought of core operational aspects, such
2 as making permitting decisions and making
3 that decision and rendering it,
4 determining compliance, and taking
5 enforcement actions.

6 In addition to those things,
7 we'll also be looking at some of the
8 supporting and background activity as
9 well, such as technical studies that go
10 in to support those processes, the aerial
11 program, the inspection process, and many
12 other things that go to contribute to the
13 complete Water Program here at ADEM. So
14 that is the arena we're in right now is
15 enhancing those systems, all the ones
16 that make up the business of water here
17 at ADEM.

18 On real quickly to solid
19 waste. We continue to work on the
20 implementation of the new law. We talked
21 in detail about that at the last meeting,
22 and so we are now in the implementation
23 phase of that. We are in the very early

1 phases of regulation development that
2 will be coming before y'all in the coming
3 months so that we'll be prepared to fully
4 implement the law in the expected
5 timeframe.

6 We've also made the initial
7 organizational decisions that are
8 associated with this. I don't know if
9 these individuals are here. Phil Davis.
10 I think y'all probably have seen Phil
11 before. Phil is going to assume the
12 responsibility of Solid Waste Branch
13 Chief. We announced that yesterday.

14 And the job that Phil
15 vacated was the Hazardous Waste Branch
16 Chief, which will be filled by Jeff
17 Kitchens. Jeff is transferring from our
18 Air Division and being promoted so he can
19 be Hazardous Waste Branch Chief as well.
20 So the organizational considerations are
21 moving forward on solid waste as well.

22 I'd like to conclude my
23 remarks by highlighting one very active

1 program that we have here at ADEM that
2 you don't hear a lot about at Commission
3 Meetings. You don't hear a lot of
4 permits or rules or appeals on this
5 program.

6 But the Brownfields
7 Redevelopment Program is getting more and
8 more important every day. All across
9 this state, all across this country, we
10 have an extremely active program here in
11 Alabama, so I want to take just a minute
12 to tell you really what it is and what
13 we're doing on that program.

14 When I think of our
15 Brownfields Program, I think of three
16 major parts to it. No. 1, you can see
17 here the Federal 128(a). That's not a
18 fancy name we came up with; that's
19 obviously an EPA grant number. But the
20 128(a) program, where we have work plans
21 and grant commitments with EPA much like
22 many of our other programs, has two major
23 parts.

1 No. 1, is to conduct
2 outreach activities targeting local
3 governments, developers, lending
4 institutions, and individuals like that,
5 providing information about state cleanup
6 opportunities, about EPA-competitive
7 Brownfield grants and assessments, and
8 resolving loan fund opportunities.

9 The second part of the
10 128(a) program is that as part of our
11 grant commitments to EPA, the Department
12 conducts assessments for local
13 governments and non-profit organizations
14 that have failed to receive EPA funding
15 through one of these other mechanisms.

16 Our conducted Brownfield
17 assessments that we have performed have
18 been instrumental in aiding the local
19 governments in their efforts for applying
20 for federal grants and for putting some
21 of this property into reuse.

22 The other part of our
23 program is the VCP program that you may

1 have heard me talk about before, but it's
2 the State's Brownfield Redevelopment and
3 Voluntary Cleanup Program. Our VCP
4 allows non-responsible parties, people
5 such as prospective purchasers,
6 developers, lending institutions,
7 consultants, and the like, the
8 opportunity to assess, clean up, and
9 truly redevelop Brownfield sites and
10 receive significant liability protection
11 for the site they're involved with.

12 Participation in this program is
13 necessary for sites to be eligible for
14 certain tax abatements that are allowed
15 under the Alabama Brownfield Development
16 Act.

17 The third part of the
18 program is the Alabama Land Recycling
19 Revolving Loan Fund Program, and the
20 Revolving Fund Program allows for
21 low-interest loans to be made to local
22 governments for the remediation of
23 Brownfield sites.

1 So that's a snapshot of our
2 program. You asked what have we been
3 doing, what's been done on that. And so
4 in those areas, we have recently done
5 many assessments, as called for in the
6 128(a) assessment portion of what we do
7 in places such as Tuskegee, Selma,
8 Baldwin County, Mobile, Brookfield,
9 Fairfield, Hayneville, all across the
10 state. Somewhere from two-thirds to
11 three-quarters of these assessments have
12 been performed in EJ areas, so all these
13 programs do work together here.

14 In addition to the
15 assessments, we've also conducted
16 numerous outreach activities with
17 officials representing state agencies,
18 local governments, and nonprofit
19 organizations to perform the functions
20 that we outlined a moment ago.

21 From the Revolving Loan Fund
22 aspect, we've actually loaned out
23 resources. In particular, Montgomery has

1 received some of those, and we're in the
2 process of working with Tarrant on that
3 right now to finalize that.

4 And then from the VCP side
5 of the program, over the history of the
6 program, we received over 100
7 applications where people have come in
8 requesting coverage for 269 sites. When
9 you look at what we've done on that, 200
10 sites have been fully completed and are
11 now available for reuse or are being used
12 already. 65 sites are in the process of
13 completing the necessary activities to
14 receive their letter of concurrence, and
15 that is the -- the item that makes the
16 site available for reuse and provides
17 that liability protection.

18 When you look and consider
19 what are these sites, there's
20 recreational opportunities that are
21 Brownfield redevelopment, whether it's
22 ballparks, golf courses, or other
23 water-based recreation activities.

1 It's commerce. There have
2 been development occurring on
3 formerly-used sites all over the state of
4 Alabama. Office buildings. Some of
5 those you obviously would recognize in
6 Alabama such as the *Birmingham News*
7 headquarters, activities in Mobile.
8 Office buildings are going on these sites
9 as well, and you're sitting in one right
10 now too. ADEM -- the ADEM building is on
11 a formerly-used site here in the state of
12 Alabama.

13 So this program touches a
14 lot of areas, and when we consider the
15 economic growth and developments going on
16 in this state and the availability of
17 land and resources to allow for that, you
18 see how important this program has been
19 and how important it will be as we go
20 forward.

21 What does the future hold
22 for it? Well, for the immediate future,
23 we're going to be continuing the

1 assessment activities we have scheduled
2 per our grant commitments with EPA; we'll
3 be continuing the outreach activities and
4 the VCP activities that are ongoing. All
5 these things are constantly ongoing with
6 the Department right now.

7 In particular, next month
8 we'll be in Dothan performing a workshop,
9 and the month after that, in Ft. Payne
10 doing the same thing. These are
11 workshops where we bring in the
12 individuals that I highlighted earlier in
13 the talk.

14 And we'll also be
15 concentrating a lot of effort in the
16 southeast quarter of the state. We've
17 been going around, methodically, the
18 state for some time, trying to make sure
19 everyone's aware of the program and what
20 it means.

21 Larry Norris is the person
22 here who is the leader of this program in
23 Alabama, so if people have Brownfield

1 issues, they talk to Larry. He's kind of
2 a one-man show regarding who you could
3 talk to to get this information. So,
4 again, this is such a critical program, I
5 wanted to take the opportunity to update
6 you on what we're doing in this area.

7 Commissioners, that
8 concludes my remarks. Again, I
9 appreciate the opportunity to be here.

10 And excuse me, I had one
11 note. I forgot to update you on acrolein
12 and phenol, reference dose for that. We
13 have initiated that -- that process. We
14 continue to be in touch with EPA
15 regarding their timing of when they will
16 make the official revisions to their
17 documents, and we're trying to make sure
18 our process coincides with that. But we
19 have begun the rulemaking process for
20 that which included notification to the
21 newspapers and getting information ready
22 and submitted to the *Administrative*
23 *Monthly* here in Alabama so that that

1 will, as planned, come before you in
2 October, at the October meeting.

3 So apologize for missing
4 that. I should know to write a note on
5 my very front page because then I blow
6 through it real quickly. But if anyone
7 has any questions, I'll be happy to
8 answer them.

9 MS. GARDNER: Thank you, Mr.
10 Glenn. Agenda Item 3 is report from the
11 Commission Chair. Mr. Phillips wanted me
12 to report to each of you that he is
13 working with Robert on a Standard of
14 Conduct for the Commission that was
15 mentioned at our last meeting. He's not
16 ready to bring anything before us at this
17 point in time, but he does plan on having
18 something at the August meeting. If each
19 of you have any questions or concerns
20 regarding that standard of conduct, you
21 need to address those to him or to
22 Robert, okay?

23 Agenda Item No. 4 is the

1 report from the Strategic Planning Ad Hoc
2 Committee. Chairman Wainwright, would
3 you like to give us the report?

4 CHAIRMAN WAINWRIGHT: Madam
5 Chairman, we -- the committee met this
6 morning to consider a recommendation to
7 the full Commission. We reviewed
8 the -- the -- we reviewed the contract
9 that the Agency has undertaken with
10 Auburn University Montgomery to conduct
11 the Strategic Plan.

12 The -- we've been through
13 the process since the first of the year
14 to develop and publish an RFP. We got
15 the RFP's back. Auburn was the only one
16 that submitted a proposal. They've been
17 in the process of reviewing that proposal
18 for the last month or so, and it's now
19 ready to go.

20 So our -- our committee
21 would like to recommend that the
22 Strategic Planning Ad Hoc Committee
23 continue the Unified Strategic Plan

1 development process as outlined by the
2 Department. That would be a motion.

3 MS. GARDNER: Do I have a
4 second for that motion?

5 DR. LESTER: I second it.

6 MS. GARDNER: Any
7 discussion? Any questions? All in
8 favor, please say aye.

9 ALL: Aye.

10 MS. GARDNER: All opposed?
11 That motion carries.

12 Moving on to Agenda Item No.
13 5, consideration of the adoption of
14 proposed amendments to the Division 3 -
15 Air Regulations. Are there any comments
16 from the Department?

17 MR. GORE: Madam Chairman,
18 lady, gentlemen, my name's Ron Gore. I'm
19 with the Department's Air Division.
20 Periodically, we appear before you to ask
21 that you adopt changes to
22 technology-based standards that we adopt
23 by reference from EPA. As EPA makes

1 changes, we need to make changes also to
2 keep the ability to enforce those
3 standards of the state on behalf of EPA.

4 For the latest batch of
5 changes, we held a public-comment period
6 from March 24th to May the 9th, and also
7 held a public hearing on May the 9th.
8 There were no comments received from
9 anyone, verbally or in writing. And
10 pending any questions from y'all, I would
11 ask that you approve these changes.

12 MS. GARDNER: Do I have a
13 motion to accept these changes?

14 MR. WAINWRIGHT: I move we
15 approve them.

16 MS. GARDNER: Do I have a
17 second?

18 MS. ARCHIE: Second.

19 MS. GARDNER: Are there any
20 questions? All in favor, say aye.

21 ALL: Aye.

22 MS. GARDNER: All opposed,
23 same sign.

1 MR. GORE: Thank you.

2 MS. GARDNER: Motion

3 carries.

4 Moving on to Agenda Item No.

5 6, Ronnie Smith versus ADEM EMC Docket

6 No. 08-04. This is an NPDES-related

7 matter. Commission is to consider the

8 recommendation of the administrative law

9 judge to dismiss the Petitioner's appeal.

10 Is there a motion for the Commission to

11 adopt the recommendation of the

12 administrative law judge or discuss it?

13 MS. ARCHIE: So move.

14 MS. GARDNER: To adopt?

15 MS. ARCHIE: (Nods head.)

16 MS. GARDNER: Is there a

17 second?

18 MR. HAIRSTON: Second.

19 MS. GARDNER: Is there any

20 discussion? Any questions? All in

21 favor, say aye.

22 ALL: Aye.

23 MS. GARDNER: All opposed,

1 same sign. Motion carries.

2 Item No. 7 is other
3 business. Does anyone have anything else
4 that we need to discuss today?

5 Agenda Item No. 8 is our
6 future business. The proposed date for
7 the next Commission meeting is August
8 22nd, and the proposed location is here
9 at the ADEM building. Are there any
10 conflicts that anyone is aware of at this
11 time? Okay. Looks like everyone can
12 attend. Entertain a motion to adjourn
13 this meeting.

14 DR. LESTER: So move.

15 MS. GARDNER: Is there a
16 second?

17 MR. WAINWRIGHT: Second.

18 MS. GARDNER: All in favor?

19 ALL: Aye.

20 MS. GARDNER: All opposed?

21 Thank y'all for your attendance.
22
23

* * * * *

REPORTER'S CERTIFICATE


* * * * *

STATE OF ALABAMA

COUNTY OF MONTGOMERY

I, Jenny Cone, Certified Court
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State of Alabama at Large, do hereby
certify that the foregoing is a true and
accurate excerpt of the proceedings as
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and place aforementioned.

This 12th day of July, 2008.

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Jenny Cone

Certified Court Reporter (Lic.

#108) and Notary Public

State of Alabama at Large

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A	14:23 15:23 22:5 22:10,23 allow 5:8 13:17 allowed 10:14 allowing 3:18 allows 10:4,20 amendments 18:14 ANITA 2:4 announced 7:13 answer 16:8 anticipated 4:17 apologize 16:3 appeal 20:9 appeals 8:4 appear 18:20 applications 12:7 applying 9:19 appreciate 15:9 approve 19:11,15 approximately 5:1 April 3:3 ARCHIE 2:4 3:5,9 19:18 20:13,15 area 15:6 areas 11:4,12 13:14 arena 6:14 asked 11:2 aspect 11:22 aspects 5:22 6:1 assess 10:8 assessment 11:6 14:1 assessments 9:7,12 9:17 11:5,11,15 ASSISTANT 2:15 associated 7:8 assume 7:11 attend 21:12 attendance 21:21 attention 5:19 Auburn 17:10,15 August 16:18 21:7 availability 13:16 available 12:11,16 aware 14:19 21:10	aye 3:11 18:8,9 19:20,21 20:21,22 21:19 a.m 1:16	B back 17:15 background 6:8 Baldwin 11:8 ballparks 12:22 batch 19:4 begun 15:19 behalf 19:3 Birmingham 13:6 blow 16:5 Boulevard 1:11 Branch 7:12,15,19 bring 14:11 16:16 Brookfield 11:8 brought 4:20 Brownfield 9:7,16 10:2,9,15,23 12:21 14:23 Brownfields 8:6,15 budget 4:8,16,20 budgetary 4:13 building 1:9 13:10 21:9 buildings 13:4,8 business 5:21 6:16 21:3,6	19:1,5,11,13 Chief 7:13,16,19 clean 10:8 cleanup 9:5 10:3 coincides 15:18 Coliseum 1:11 come 12:7 16:1 coming 7:2,2 comments 18:15 19:8 commerce 13:1 Commission 1:5 2:1,8 4:3 8:2 16:11,14 17:7 20:7,10 21:7 Commissioners 15:7 commitments 8:21 9:11 14:2 committee 17:2,5 17:20,22 communicated 4:18 complete 6:13 completed 12:10 completing 12:13 compliance 6:4 concentrating 14:15 concerns 16:19 conclude 7:22 concludes 15:8 concurrence 12:14 conduct 9:1 16:14 16:20 17:10 conducted 9:16 11:15 conducts 9:12 Cone 22:8,20 confident 5:6 conflicts 21:10 consider 12:18 13:14 17:6 20:7 consideration 3:2 18:13	considerations 5:17 7:20 constantly 14:5 consultants 10:7 continue 4:14 5:9 6:19 15:14 17:23 continuing 13:23 14:3 contract 17:8 contracts 4:6 contribute 6:12 core 6:1 COUNSEL 2:14 country 8:9 County 11:8 22:6 courses 12:22 Court 22:8,21 coverage 12:8 critical 15:4 current-year 4:15 cuts 4:20,22
		C called 11:5 carries 3:13 18:11 20:3 21:1 certain 10:14 CERTIFICATE 22:2 Certified 22:8,21 certify 22:11 Chair 2:9 16:11 Chairman 17:2,4,5 18:17 changes 18:21 19:1		D date 21:6 Davis 7:9 day 8:8 22:15 deal 5:9 DEBI 2:15 decision 6:3 decisions 6:2 7:7 Department 1:8 9:11 14:6 18:2,16 Department's 18:19 detail 6:21 determining 6:4 develop 17:14 developers 9:3 10:6 development 7:1 10:15 13:2 18:1 developments 13:15 Director 2:13 3:15 discuss 20:12 21:4 discussed 4:13	

<p>discussing 5:4 discussion 18:7 20:20 dismiss 20:9 Division 7:18 18:14 18:19 Docket 20:5 documents 15:17 doing 8:13 11:3 14:10 15:6 dollars 5:1 dose 15:12 Dothan 14:8 DR 2:2,5,10 3:6 18:5 21:14</p> <hr/> <p>E</p> <p>earlier 4:12 14:12 early 6:23 economic 13:15 effective 4:14 effectively 5:9 effort 14:15 efforts 9:19 EJ 11:12 eligible 10:13 EMC 2:14,15 20:5 enforce 19:2 enforcement 6:5 enhancing 5:20 6:15 entered 4:7 Entertain 21:12 Environmental 1:5 1:8 EPA 8:19,21 9:11 9:14 14:2 15:14 18:23,23 19:3 EPA-competitive 9:6 ESQUIRE 2:6 evaluating 5:19 everyone's 14:19 excerpt 22:12 excuse 15:10</p>	<p>EXECUTIVE 2:15 expected 7:4 expenditures 4:11 experience 4:22 extremely 8:10</p> <hr/> <p>F</p> <p>failed 9:14 Fairfield 11:9 fancy 8:18 favor 3:10 18:8 19:20 20:21 21:18 federal 8:17 9:20 feel 4:15 FELKER 2:10 filled 7:16 finalize 12:3 first 3:1 5:14 17:13 fiscal 4:10,14 focused 5:19 foregoing 22:11 forgot 15:11 formerly-used 13:3 13:11 forward 7:21 13:20 front 16:5 Ft 14:9 full 17:7 fully 7:3 12:10 functions 5:10 11:19 fund 4:20 9:8 10:19 10:20 11:21 funding 9:14 funds 4:23 future 4:3 13:21,22 21:6 FY 4:19</p> <hr/> <p>G</p> <p>G 2:2 GARDNER 2:2 3:1 3:7,10,12 16:9 18:3,6,10 19:12 19:16,19,22 20:2</p>	<p>20:14,16,19,23 21:15,18,20 general 4:20,23 gentlemen 18:18 getting 8:7 15:21 give 17:3 Glenn 2:13 3:15,17 16:10 go 6:9,12 13:19 17:19 going 7:11 13:8,15 13:23 14:17 golf 12:22 good 4:16 Gore 18:17,18 20:1 governments 9:3 9:13,19 10:22 11:18 grant 8:19,21 9:11 14:2 grants 9:7,20 growth 13:15</p> <hr/> <p>H</p> <p>H 2:3,5 HAIRSTON 2:6 20:18 happy 16:7 Hayneville 11:9 Hazardous 7:15,19 head 20:15 headquarters 13:7 hear 8:2,3 heard 10:1 hearing 1:10 19:7 held 3:3 19:5,7 highlighted 14:12 highlighting 7:23 history 12:5 Hoc 17:1,22 hold 13:21</p> <hr/> <p>I</p> <p>III 2:13 immediate 13:22</p>	<p>implement 7:4 implementation 6:20,22 implemented 5:8 important 8:8 13:18,19 included 15:20 includes 5:22 individuals 7:9 9:4 14:12 information 9:5 15:3,21 initial 7:6 initiate 4:2 initiated 15:13 initiatives 5:7 inspection 6:11 institutions 9:4 10:6 instrumental 9:18 involved 10:11 issues 3:21 15:1 item 3:1,14 12:15 16:10,23 18:12 20:4 21:2,5 items 5:14</p> <hr/> <p>J</p> <p>J 2:10 Jeff 7:16,17 Jenny 22:8,20 job 7:14 JOHN 2:5 judge 20:9,12 July 22:15 June 1:16</p> <hr/> <p>K</p> <p>KATHLEEN 2:10 keep 19:2 KENNETH 2:6 kind 15:1 Kitchens 7:17 know 7:8 16:4</p>	<p>L</p> <p>L 2:4 lady 18:18 land 10:18 13:17 Large 22:10,23 Larry 14:21 15:1 latest 19:4 LAUREL 2:2 law 6:20 7:4 20:8 20:12 leader 14:22 LEGAL 2:14 lending 9:3 10:6 LESTER 2:5 3:6 18:5 21:14 letter 12:14 liability 10:10 12:17 Lic 22:21 loan 9:8 10:19 11:21 loaned 11:22 loans 10:21 local 9:2,12,18 10:21 11:18 location 21:8 look 12:9,18 looking 6:7 Looks 21:11 lot 8:2,3 13:14 14:15 low-interest 10:21</p> <hr/> <p>M</p> <p>Madam 17:4 18:17 Main 1:10 major 8:16,22 making 6:2,2 Management 1:5,8 March 19:6 matter 20:7 means 14:20 mechanisms 9:15 meeting 1:6 3:3,22</p>
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4:3 6:21 16:2,15 16:18 21:7,13 Meetings 8:3 MEMBERS 2:1,8 memo 3:23 4:5 mentioned 16:15 met 17:5 methodically 14:17 million 5:1 minute 8:11 minutes 3:2,4 missing 16:3 Mobile 11:8 13:7 moment 11:20 Montgomery 1:12 11:23 17:10 22:6 month 14:7,9 17:18 Monthly 15:23 months 7:3 morning 3:19 17:6 motion 3:4,13 18:2 18:4,11 19:13 20:2,10 21:1,12 move 3:5,6 5:13 19:14 20:13 21:14 moving 7:21 18:12 20:4	Notary 22:9,22 note 15:11 16:4 notification 15:20 NPDES-related 20:6 number 5:2 8:19 numerous 11:16	parties 10:4 parts 8:16,23 passage 4:19 Payne 14:9 pending 19:10 people 10:4 12:7 14:23 perform 5:10 11:19 performed 5:21 9:17 11:12 performing 14:8 period 19:5 Periodically 18:20 permits 8:4 permitting 6:2 person 14:21 Petitioner's 20:9 phase 6:23 phases 7:1 phenol 15:12 Phil 7:9,10,11,14 Phillips 2:9 16:11 place 22:14 places 11:7 plan 16:17 17:11 17:23 planned 16:1 Planning 17:1,22 plans 4:12,13 8:20 please 18:8 point 4:9 16:17 portion 11:6 positioning 5:5 potential 3:23 prepared 7:3 PRESENT 2:1,8,12 previously 4:18 probably 7:10 proceedings 22:12 process 6:11 12:2 12:12 15:13,18,19 17:13,17 18:1 processes 6:10 program 5:15 6:11 6:13 8:1,5,7,10,13	8:15,20 9:10,23 9:23 10:3,12,18 10:19,20 11:2 12:5,6 13:13,18 14:19,22 15:4 programs 8:22 11:13 projected 4:12 promoted 7:18 property 9:21 proposal 17:16,17 proposed 18:14 21:6,8 prospective 10:5 protection 10:10 12:17 provides 12:16 providing 9:5 public 19:7 22:9,22 public-comment 19:5 publish 17:14 purchasers 10:5 putting 9:20 P.E 2:3	recommend 17:21 recommendation 17:6 20:8,11 recreation 12:23 recreational 12:20 Recycling 10:18 redevelo 10:9 redevelopment 8:7 10:2 12:21 reference 15:12 18:23 regarding 4:8 15:2 15:15 16:20 regulation 7:1 Regulations 18:15 remarks 7:23 15:8 remediation 10:22 rendering 6:3 reorganization 5:18 report 3:14 16:10 16:12 17:1,3 Reporter 22:9,21 REPORTER'S 22:2 representing 11:17 requesting 12:8 resolving 9:8 resources 11:23 13:17 responsibility 7:12 reuse 9:21 12:11,16 revenues 4:11 reviewed 17:7,8 reviewing 17:17 revisions 15:16 Revolving 10:19,20 11:21 RFP 17:14 RFP's 17:15 right 3:13 6:14 12:3 13:9 14:6 Robert 2:14 16:13 16:22 Ron 18:18
<hr/> N <hr/> name 8:18 name's 18:18 near 4:3 necessary 10:13 12:13 need 5:10 16:21 19:1 21:4 new 6:20 News 13:6 newspapers 15:21 Nods 20:15 nonprofit 11:18 non-profit 9:13 non-responsible 10:4 Norris 14:21	<hr/> O <hr/> obviously 8:19 13:5 occurring 13:2 October 16:2,2 Office 13:4,8 official 5:17 15:16 officials 11:17 okay 16:22 21:11 once 4:8 ones 6:15 one-man 15:2 ongoing 14:4,5 ONIS 2:13 operational 6:1 operations 5:23 opportunities 9:6,8 12:20 opportunity 10:8 15:5,9 opposed 3:12 18:10 19:22 20:23 21:20 organizational 7:7 7:20 organizations 9:13 11:19 outlined 11:20 18:1 outlining 3:23 4:5 outreach 9:2 11:16 14:3	<hr/> P <hr/> page 16:5 part 9:9,10,22 10:17 Participation 10:12 particular 11:23 14:7	<hr/> Q <hr/> quarter 14:16 questions 5:13 16:7 16:19 18:7 19:10 19:20 20:20 quickly 6:18 16:6	<hr/> R <hr/> ready 15:21 16:16 17:19 real 6:18 16:6 really 8:12 receive 9:14 10:10 12:14 received 3:22 4:5 12:1,6 19:8 recently-executed 4:6 recognize 13:5

Ronnie 20:5 Room 1:10,10 rulemaking 4:1 15:19 rules 8:4	17:22,23 studies 6:9 submitted 15:22 17:16 support 6:10 supporting 6:8 sure 14:18 15:17 systems 6:15	transferring 7:17 TREY 2:13 true 22:11 truly 5:21 10:9 trying 14:18 15:17 Tuskegee 11:7 two 8:22 two-thirds 11:10	work 6:19 8:20 11:13 working 12:2 16:13 workshop 14:8 workshops 14:11 write 16:4 writing 19:9	4 16:23 <hr/> 5 5 18:13 <hr/> 6 6 20:5 65 12:12 <hr/> 7 7 21:2 <hr/> 8 8 21:5 <hr/> 9 9th 19:6,7
S SAM 2:3 scheduled 14:1 SCOTT 2:9 second 3:8,9 9:9 18:4,5 19:17,18 20:17,18 21:16,17 see 8:16 13:18 seen 7:10 Selma 11:7 shape 4:16 show 15:2 side 12:4 sign 19:23 21:1 significant 10:10 site 10:11 12:16 13:11 sites 10:9,13,23 12:8,10,12,19 13:3,8 sitting 13:9 situations 5:5 Smith 20:5 snapshot 11:1 solid 6:18 7:12,21 southeast 14:16 staffing 5:16 standard 16:13,20 standards 18:22 19:3 start 3:20 state 8:9 9:5 11:10 11:17 13:3,11,16 14:16,18 19:3 22:5,10,23 State's 10:2 stenographically 22:13 Strategic 17:1,11	T take 8:11 15:5 taken 22:13 talk 10:1 14:13 15:1,3 talked 6:20 talking 5:15 TAMBLING 2:14 targeting 9:2 Tarrant 12:2 tax 10:14 technical 6:9 technology-based 18:22 tell 8:12 thank 3:15,17,18 16:9 20:1 21:21 thing 14:10 things 6:6,12 14:5 think 7:10 8:14,15 third 10:17 THOMAS 2:15 thought 6:1 three 8:15 three-quarters 11:11 time 4:10 14:18 16:17 21:11 22:13 timeframe 7:5 timing 15:15 today 21:4 touch 15:14 touches 13:13 touching 3:20 track 4:9 traditionally 5:23	U undertaken 17:9 Unified 17:23 University 17:10 update 5:13 15:5 15:11 V vacated 7:15 VCP 9:23 10:3 12:4 14:4 verbally 19:9 versus 20:5 VICE-CHAIR 2:2 Voluntary 10:3 W W 2:9 Wainwright 2:3 17:2,4 19:14 21:17 want 8:11 wanted 15:5 16:11 waste 6:19 7:12,15 7:19,21 water 5:14 6:13,16 water-based 12:23 way 5:20 we'll 4:1 6:7 7:3 14:2,8,14 we're 6:14 8:13 12:1 13:23 15:6 15:17 we've 4:7,13 5:15 7:6 11:15,22 12:9 14:16 17:12	Y year 4:10,15,17,23 17:13 years 5:4 yesterday 7:13 y'all 3:18 7:2,10 19:10 21:21 # #108 22:22 0 08-04 20:6 1 1 8:16 9:1 100 12:6 11:00 1:16 12th 22:15 128(a) 8:17,20 9:10 11:6 1400 1:11 18th 3:3 2 2 3:14 200 12:9 2008 1:16 3:3 22:15 2009 4:19 22nd 21:8 24th 19:6 269 12:8 27 1:16 3 3 16:10 18:14 4	

Part B

Attachment Index

- | | |
|---------------------|--|
| Attachment 1 | Agenda |
| Attachment 2 | Order on the adoption of a motion to accept the recommendation of the Strategic Planning Ad Hoc Committee to continue the Unified Strategic Plan development process outlined by the Department

(Agenda Item 4 – Report from the Strategic Planning Ad Hoc Committee) |
| Attachment 3 | Resolution on the adoption of amendments to the Division 3 - Air Regulations

(Agenda Item 5 – Consideration of adoption of proposed amendments to the Division 3 – Air Regulations) |
| Attachment 4 | Order on the adoption of the recommendation of the Administrative Law Judge to dismiss the hearing request

(Agenda Item 6 – Ronnie Smith v. ADEM, EMC Docket No. 08-04 [NPDES-Related Matter]) |

Attachment 1

5/27/08

AGENDA*
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING
Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
Friday, June 27, 2008
11:00 a.m.

<u>ITEM</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on April 18, 2008**	2
2. Report from the Director	2
3. Report from the Commission Chair	2
4. Report from the Strategic Planning Ad Hoc Committee	2
5. Consideration of adoption of proposed amendments to the Division 3 – Air Regulations	2
6. Ronnie Smith v. ADEM EMC Docket No. 08-04 (NPDES-Related Matter)	2
7. Other business	2
8. Future business session	2

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under EMC Information and Calendar of Events.

** The Minutes for this meeting will be available on the ADEM website under EMC Information.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON APRIL 18, 2008
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. REPORT FROM THE STRATEGIC PLANNING AD HOC COMMITTEE
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 3 – AIR REGULATIONS

The Commission will consider proposed amendments to the Division 3 – Air Regulations. The Department proposes to amend ADEM Administrative Code Rules 335-3-10-.01, 335-3-10-.02, 335-3-11-.01, 335-3-11-.06, 335-3-11A-.01, 335-3-11A-.02, and Appendix C. The Department held a public hearing on the proposed amendments on May 9, 2008.

6. RONNIE SMITH V. ADEM, EMC DOCKET NO. 08-04 (NPDES-RELATED MATTER)

The Commission will consider the Recommendation of the Administrative Law Judge to dismiss the Petitioner's appeal of ADEM Administrative Order 08-096-MNPS issued on February 26, 2008, to Ronnie Smith, Ronnie Smith Development, Holtville, Elmore County, NPDES AUR168412.

7. OTHER BUSINESS
8. FUTURE BUSINESS SESSION

Attachment 2

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept the recommendation of the Strategic Planning Ad Hoc Committee
to continue the unified strategic plan development process outlined by the Department

ORDER

This cause having come before the Environmental Management Commission pursuant to
the above motion, and having considered the same, the Commission hereby ORDERS,

ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective

as of the date shown below.

Environmental Management Commission Order
Page 2

ISSUED this 27th day of June 2008.

APPROVED:

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

ABSTAINED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 27th day of June 2008.

Laurel G. Gardner, Vice Chair
Environmental Management Commission
Certified this 27th day of June 2008.

Attachment 3

ENVIRONMENTAL MANAGEMENT COMMISSION RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-3 of the Department's Air Division – Air Pollution Control Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management did not receive any written or oral comments at the public hearing or during the public comment period.

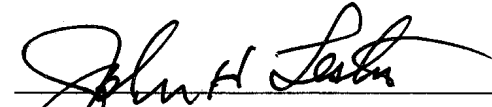
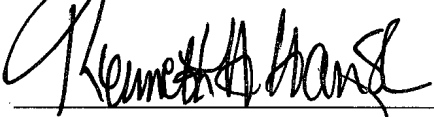

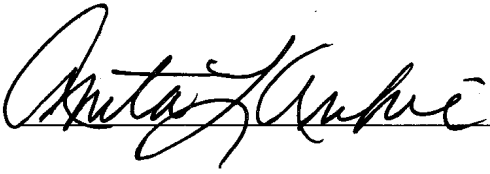
NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-3 [335-3-10-.01/General (Amend); 335-3-10-.02/Designated Standards of Performance (Amend); 335-3-11-.01/General (Amend); 335-3-11-.06/National Emission Standards for Hazardous Air Pollutants for Source Categories (Amend); 335-3-11A-.01/General (Amend); 335-3-11A-.02/Designated Emission Standards (Amend); and Appendix C (Environmental Protection Agency Regulations Reference Documents for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants) (Amend)] of the Department's Air Division – Air Pollution Control Program rules, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

ADEM Admin. Code division 335-3 - Air Pollution Control Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 27th day of June 2008.

APPROVED:


  	
_____	_____
_____	_____
_____	_____

DISAPPROVED:

_____	_____
_____	_____
_____	_____
_____	_____

ABSTAINED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 27th day of June 2008.


Laurel G. Gardner, Vice Chair
Environmental Management Commission
Certified this 27th day of June 2008.

Attachment 4

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In the Matter of:)	
)	
Ronnie Smith,)	
)	
Petitioner,)	EMC Docket No. 08-04
)	(ADEM Administrative Action: ADEM Admin.
vs.)	Order 08-096-MNPS issued on February 26, 2008, to
)	Ronnie Smith, Ronnie Smith Development, Holtville,
Alabama Department of)	Elmore County, NPDES AUR168412)
Environmental Management,)	
)	
Respondent.)	

ORDER

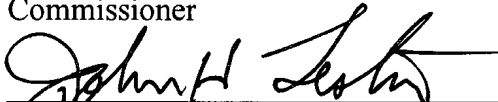
This cause having come before the Environmental Management Commission pursuant to the Recommendation of the Administrative Law Judge in the above-styled appeal and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the Recommendation of the Administrative Law Judge to Dismiss this hearing request is hereby adopted; and
2. That pursuant to the adoption of the Recommendation of the Administrative Law Judge, the Commission hereby dismisses this request for hearing filed by the Petitioner; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below; and
4. That a copy of this Order, along with a copy of the Dismissal Order containing the Recommendation of the Administrative Law Judge attached hereto as Exhibit A and made a part hereof, shall be forthwith served upon each of the parties hereto either personally, or by certified mail, return receipt requested.

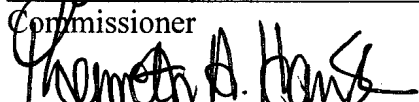
ISSUED this 27th day of June 2008.

APPROVED:

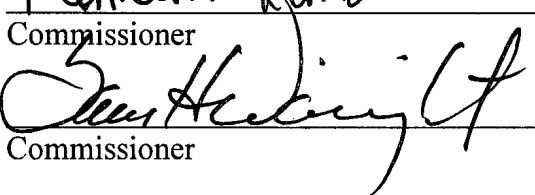
Commissioner



Commissioner



Commissioner



Commissioner

DISAPPROVED:

Commissioner

Commissioner

ABSTAINED:

Commissioner

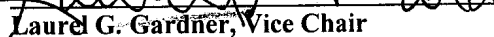

Commissioner

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 27th day of June 2008.


Laurel G. Gardner, Vice Chair
Environmental Management Commission
Certified this 27th day of June 2008.

BEFORE THE ENVIRONMENTAL MANAGEMENT COMMISSION OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In the Matter of:

RONNIE SMITH,

Petitioner

vs.

Alabama Department of
Environmental Management

Respondent

EMC Docket No. 08-04

[ADEM Admin. Order 08-096-MNPS
issued on February 26, 2008 to
Ronnie Smith, Ronnie Smith
Development, Holtville, Elmore
County, NPDES AUR168412]



DISMISSAL ORDER

Upon consideration of the Motion to Dismiss filed by ADEM on April 16, 2008 and the Petitioners' failure to file a Response by May 9, 2008, it is hereby recommended that the appeal of ADEM's administrative action in this case be dismissed pursuant to sections 335-2-1-.04(6) and 335 2-1-.04(1) , ADEM, Administrative Code, due to the improper filing of a "request for hearing to contest an administrative action of the Department" and failure to file said request within 30 days of the contested administrative action.

DONE this the 14th day of May, 2008.

Gerrilyn V. Grant
Administrative Law Judge
Administrative Hearings
11 South Union Street
Montgomery, AL 36130
Telephone: 334-242-7433
Fax: 334-353-9050

cc: Ms. Debi Thomas, Executive Assistant
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